

**THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH  
Central Division**

**IN THE MATTER OF THE )  
SEARCH OF: )                      Case No. 2:23mj106 CMR  
                        )**

IN THE MATER OF THE SEARCH OF )  
JOAQUIN DESJARLAIS VIA BUCCAL )  
SWAB                              )

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Benjamin Jones, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7). Between July 2005 to January 2009 I was a police officer with Salt Lake City, Utah Police Department. In February of 2009 I became a Special Agent of the Federal Bureau of Investigation. While employed as a Special Agent I have investigated violations of United States law including assault, homicide, child abuse, child sex abuse, sex assault, illegal narcotics, child pornography, wire fraud, money laundering, conspiracy and other crimes. I am currently assigned to the Vernal Resident Agency of the FBI, with responsibility for investigating crimes on the Uintah and Ouray Indian reservation.

2. As a federal agent, your affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a warrant from the Court, I have

not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of Assault, in violation of Title 18, United States Code Section 113, is located on the person of Joaquin Desjarlais.

**FACTS ESTABLISHING PROBABLE CAUSE**

4. On January 7, 2023, at approximately 7:50 PM, Law Enforcement Officers responded to the residence of Joaquin Daniel Desjarlais (hereafter “Desjarlais”) and Victim A. As Officer Elroy Louis approached the residence, he heard sounds of a struggle inside and looked through the front window. He saw Desjarlais and Victim A fighting on the floor of the living room. Officer Louis entered the residence and saw Desjarlais attempting to choke Victim A with his arm around her neck. Officer Louis put Desjarlais in handcuffs and put him in the back of his police vehicle. Desjarlais appeared to have a laceration on his head with blood on his face and clothing. Victim A had an injury to her left eye socket including visible swelling and redness. She also had blood on her clothing.

5. Over the course of multiple interviews, Victim A initially concealed some facts, but eventually provided the following information: On January 7, 2023, Victim A and Desjarlais were at their house drinking. Between approximately 5:00 PM to 6:00 PM, Victim B arrived at their residence. Shortly after, Desjarlais’ sister, (K.A) arrived. Victim B is K.A.’s boyfriend. Also inside the residence were Victim A’s children, Minor Witness 1, age 9 (MW1); Minor Witness 2, age 8 (MW2); and Minor Witness 3, age 2 (MW3). All four adults drank alcohol. Desjarlais drank Bacardi Superior.

6. After a time, Desjarlais wanted to talk with K.A. alone inside the bedroom. Victim B and Victim A stayed outside the door because they were worried that Desjarlais would become

violent. Desjarlais sometimes gets violent when he drinks. They heard Desjarlais start to yell and looked inside the room. Victim A saw Desjarlais push K.A.. K.A. fell backwards into the dresser. Victim A approached Desjarlais and he pushed her also, knocking her to the ground. During the fight, Victim B took a glass bottle and hit Desjarlais over the head with it. Victim B and K.A. left soon after this. Victim A did not realize that Victim B had been stabbed until later.

7. After Victim B and K.A. left, Desjarlais assaulted Victim A. He punched her in the face or head approximately twenty times, including at least once in the left eye. [Note: medical records for Victim A later stated that Victim A had a “facial fracture” more specifically described as a “fracture of the floor of the left orbit”.] Desjarlais tried to choke her on three separate occasions, once in the hallway by the front door, once in the living room, and once in the kitchen. In the kitchen Desjarlais tried to grab a knife, but Victim A was able to get it out of his hand and throw it in the sink. When the police arrived Victim A and Desjarlais were in the living room. Desjarlais was trying to choke Victim A, and it was getting hard for her to breath.

8. K.A. was also interviewed. After initially concealing some facts, she eventually revealed the following: on January 7, 2023, K.A. and her boyfriend Victim B were at the residence of Victim A and Desjarlais. They were drinking. Desjarlais became angry at Victim B. When K.A. tried to talk to him, he put K.A. in a headlock. Victim B grabbed a bottle and hit Desjarlais over the head with it. After that, the group went into the kitchen. Desjarlais was the farthest into the kitchen, Victim A and K.A. were next, and Victim B was farthest away from Desjarlais, standing in the threshold between the kitchen and the living room. K.A. saw Desjarlais make a movement towards Victim B but did not see him stab Victim B. After Desjarlais made the movement towards Victim B, Victim B turned towards K.A. and told her that they needed to leave. That was when K.A. realized that Desjarlais had stabbed Victim B.

K.A. drove Victim B to the hospital.

9. Victim B was interviewed on January 8, 2023, at the hospital. He was recovering from the stabbing. He provided the following information: he was at the residence of Victim A and Desjarlais with his girlfriend, K.A.. They were drinking. He was standing outside the residence when he heard Desjarlais yelling. He went inside and saw Desjarlais holding K.A. in a headlock. He picked up a bottle and hit Desjarlais over the head with it. Victim B initially denied hitting Desjarlais over the head with the bottle, but eventually said that he thought he did hit Desjarlais over the head with a bottle, but he could not be sure. The group went into the kitchen and Desjarlais continued to try to fight with Victim B. Desjarlais held a knife in his hand. He stepped towards Victim B and stabbed him in the chest. The knife blade came off of the handle and remained in Victim B's chest after Desjarlais moved his hand away. Victim B looked down at his chest and saw the knife blade sticking out. He pulled the blade out of his chest and dropped it on the ground. He was standing in the threshold between the kitchen and the living room when Desjarlais stabbed him. He turned towards K.A. and told her that they needed to go to the hospital. At the hospital the staff told him that the stabbing had severed an artery in his lung.

10. MW1 was interviewed by a Child and Adolescent Forensic Interviewer and provided the following information: MW1 was in her bedroom with her two sisters when most of the violence happened. Occasionally, during the fight, she looked outside of the door. MW1 saw Desjarlais get on top of K.A. in the bedroom. She saw Victim B go inside of the bedroom also. Later she saw Desjarlais hitting Victim A in the living room.

11. MW2 was interviewed by a Child and Adolescent Forensic Interviewer and provided the following information: MW2 was inside her bedroom during most of the fighting. MW2 heard Desjarlais say, "I'm going to kill you" to Victim A. MW2 saw Desjarlais hit Victim A

with his hand. She was hiding behind the couch when Desjarlais hit Victim A.

12. Writer collected several items of evidence from the scene including a knife blade that appeared to have blood on it. This item was laying in the threshold between the living room and the kitchen. Writer also collected a wooden handle that appeared to match the blade. This handle was underneath a recliner, a short distance from the blade. The handle has spots of what appear to be blood on it.

13. Victim A, Victim B and Desjarlais are enrolled tribal members. This incident occurred on Indian Land. Victim A and Desjarlais have one child together and have been living together off and on for about three years.

14. The above-described incidents occurred in the Central District of Utah.

15. DNA located on the handle of the knife and on the blade of the knife can be used to determine who has been in contact with the items. When Desjarlais was holding the knife, he was possibly bleeding from a head injury that occurred when Victim B hit him over the head with the glass bottle. Blood on the knife could belong to Victim B or Desjarlais. These items will be submitted to the laboratory for examination along with samples of DNA collected from both Victim B and Desjarlais for comparison.

16. Based on the facts and circumstances, I believe probable cause exists to believe that evidence of Assault, in violation of Title 18, United States Code Section 113, is contained in the DNA of Joaquin Desjarlais.

17. I therefore respectfully request that the attached warrant be issued authorizing the search of Joaquin Desjarlais for a buccal swab of his mouth for a sample of his DNA.

DATED this \_\_\_\_ day of February, 2023.

Benjamin Jones  
Benjamin Jones, Special Agent  
Federal Bureau of Investigation

Sworn and subscribed to before me this 7th day of February, 2023.

Cecilia M. Romero

United States Magistrate Judge Cecilia M. Romero

**ATTACHMENT A**

**Person to Be Searched**

Joaquin Daniel Desjarlais, date of birth November 24, 1994, currently incarcerated at the Moffat County Jail located at 800 W 1<sup>st</sup> St, Craig, CO 81625.

**ATTACHMENT B**

**LIST OF ITEMS TO BE SEIZED AND SEARCHED**

This warrant authorizes the seizure of the items, fruits, instrumentalities or evidence listed below for evidence of violations of 18 U.S.C. §113 Assault. This warrant further authorizes the use of restraints by law enforcement, if necessary, to seize the item(s) listed below:

1. DNA from Joaquin Desjarlais utilizing buccal swabs. The buccal swabs will be used to collect DNA from the saliva in the mouth of Joaquin Desjarlais.